IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 958 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/01/2004 in WP NO : 18374 OF 2003 on the file of the High Court.)

Between:
1 Governmet of Andhra Pradesh, Excise Department, Secretariat, Hyderabad, rep. by its Secretary.
2 The Commissioner of Prohibition & Excise, Government of Andhra Pradesh, Nampally, Hyderabad.
3 The Porhibition and Excise Superintendent, Karimnagar.

.....
APPELLANT(S)

AND

B.Rajeswara Rao, S/o.Papa Rao,
R/o.Ramagundam, Karimnagar District, Licensee of M/s.Raghavendra Wines.

.....RESPONDENT

For the Appellant:GP FOR PROHIBITION & EXCISE

For the Respondent No.: MR.A.JAGANNATHA RAO

(per The Hon'ble The Chief Justice Sri Devinder Gupta)

We have heard learned counsel for the parties. The respondent herein who is the petitioner questioned, in his writ petition, the order of the 1st respondent dated 4-4-2003 confirming the order of the 3rd respondent dated 6-10-2001 rejecting his claim for refund of licence fee for the period during which petitioner allegedly could not conduct business. In the miscellaneous application filed, learned single Judge

without issuing any notice while keeping the writ petition pending, granted interim direction as prayed for. Interim direction prayed is for refund of licence fee i.e., same relief which is sought in the main writ petition and it could not have been allowed by way of interim relief.

Appeal is accordingly allowed. Impugned order is set aside. W.P.M.P.No.22912 of 2003 is dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

15th June, 2004.
Nmr

JOINT REGISTRAR

15-5-2004

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SECTION OFFICER

To
Governmet of Andhra Pradesh, Excise Department, Secretariat, Hyderabad, rep. by its Secretary.
2 The Commissioner of Prohibition & Excise, Government of Andhra Pradesh, Nampally, Hyderabad.
3 The Porhibition and Excise Superintendent, Karimnagar
4. Government Pleader for Prohibition & Excise
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